

Remarks

This application is a divisional from the application previously issued as U.S. Patent No. 6,735,604. Claims 26-33 and 36-38 are pending in the application, each of which have been rejected on various grounds as more fully discussed and addressed below. The rejections are traversed.

The 102(b) Rejections

Claims 26 and 26 have been rejected under Section 102(b) as being anticipated by U.S. Patent No. 5,603,006 to Satake. Applicants traverse this rejection.

The Examiner points to Satake, col. 1, lines 47-49, as providing support that Satake meets the "receiving an additional data object" limitation. The Examiner states with regard to Satake that "if the previously received request occupies the bank, the subsequent request has to wait at the directory section", thereby creating a bottleneck. (Office Action at page 3, emphasis added). This highlights a significant difference between Satake and the invention of claims 26 and 27. With the invention of claims 26 and 27, data flow is not held up. To the contrary, one of the objectives of the invention of claims 26 and 27 is to keep the data flowing and avoid bottlenecks created by waiting, such as in Satake. As such, with claims 26 and 27, when the receivers are busy, additional data objects are allowed to continue to flow, but instead of flowing to the receivers, the additional data flows to a holding area where it is temporarily held until a receiver becomes "free" or "is no longer busy", at which time the additional data is "transmitted" or "transferred" to the "free receiver" or the receiver that "is no longer busy". For these reasons, it is respectfully submitted that claims 26 and 27 are in condition for allowance, that these rejections should be withdrawn, and that claims 26 and 27 be allowed and passed to issue.

The 103 Rejections

Claims 28, 30-33 and 36-38 have been rejected under Section 103(a) as being unpatentable over Shatake as applied to claims 26-27 above in view of U.S. Patent No. 5,495,447 to Butler. Applicants traverse these rejections. These rejections fail for the same reasons as cited above, and Butler does not cure the deficiency identified above in response to the rejections of claims 26 and 27. Independent claims 28, 36 and 38, like claims 26 and 27, are each directed to inventions that seek to avoid any waiting. Instead, as explained above, with the inventions of claims 28, 36 and 38, the data is directed to a document holding file when the data receivers are busy. Indeed, the "waiting" problem disclosed in Shatake actually teaches away from the combination urged by the Examiner. The separate rejection of claim 29, and the rejections of the other dependent claims, are likewise improper for the same reasons set forth above. Accordingly, it is respectfully submitted that claims 28, 36 and 38, and each of their respective dependent claims, are in condition for allowance, that these rejections should be withdrawn, and that all pending claims be allowed and passed to issue.

Concluding Remarks

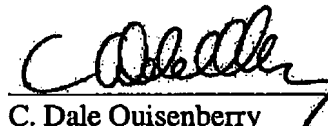
In commenting upon the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the references and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims. Not all of the distinctions between the prior art and the Applicants' present invention have been made by Applicants. For the foregoing reasons, Applicants reserve the right to submit additional evidence showing the distinctions between Applicants' invention to be unobvious in view of the prior art.

The foregoing remarks are intended to assist the Examiner in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the invention which render it patentable, being only examples of certain advantageous features and differences which Applicants' attorney chooses to mention at this time.

The claims of this application are believed to be in condition for allowance, an early notice of which is earnestly solicited. Applicants respectfully request that the Examiner call Applicants' undersigned counsel should the foregoing Response not place this case in condition for allowance. In the event a fee may be required for filing this document, but it is not enclosed, the Commissioner is authorized to charge any such fees to Deposit Account No. 50-2515, Order No. 5466.002/DIV/CDQ.

Respectfully submitted,

Date: August 14, 2007



C. Dale Quisenberry
Reg. No. 36,643
POLASEK, QUISENBERRY & ERRINGTON, LLP
6750 West Loop South, Suite 920
Bellaire, Texas 77401
(832) 778-6000
(832) 778-6010 (Facsimile)

ATTORNEYS FOR APPLICANTS